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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,605	07/19/2006	Kazuhito Senba	DK-US040113	1656

22919 7590 10/27/2009

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EXAMINER	
RUBY, TRAVIS C	

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
10/27/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/586,605	SENBA ET AL.	
	Examiner	Art Unit	
	TRAVIS RUBY	3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 April 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,8,11,14,21 and 22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,8,11,14,21 and 22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Amendments

1. Claims 1, 3, 4, and 5 have been amended by applicant

2. Claims 6, 7, 9, 10, 12, 13, and 15-20 have been canceled by applicant.

3. Claims 21 and 22 have been newly added by applicant.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-5, 8, 11, 14, 21, 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 1 calls for "a second air conditioning monitor and control device ... including the first monitoring and control program" is confusing as it is unclear how can the first monitoring and control program be incorporated in both the first and the second air conditioning monitoring and control device.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 1, 2, 5, 8, 21, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Jensen et al (US639331B1).

Jensen et al teaches:

Re Claim 1. An air conditioning monitoring and control system, comprising:

an air conditioner (Column 2 lines 47-48);

a first air conditioning monitoring and control device (ref 12) communicating with the air conditioner and including a first monitoring and control program (Column 3 lines5-7 teach that the monitoring units execute user defined programs) and a second monitoring and control program being configured to monitor and/or to control the air conditioner (Column 2 lines 64-67; Jensen teaches the control units can each execute specialized programs to maintain the environmental conditions), the first monitoring and control program being configured to perform at least one type of control with respect to the air conditioner (Column 3 lines 5-7); and

a second air conditioning monitoring and control device (ref 13) communicating with the air conditioner and including the first monitoring and control program (Column 3 lines 5-7 teach that the monitoring units execute user defined programs) and a third monitoring and control program configured to monitor and/or to control the air conditioner (Column 2 lines 64-67; Jensen teaches the control units can each execute specialized programs to maintain the environmental conditions).

at least one of the first air conditioning monitoring and control device and the second air conditioning monitoring and control device having, a control selection program (i.e. supervisory control program) that allows a selection to enable or to disable the one type of control, or each of the at least two types of control where the first monitoring and control

program is configured to perform two or more types of control (Column 2 lines 64-67, Column 3 lines 1-7, Column 3 lines 35-45).

Re Claim 2. The first air conditioning monitoring and control device and the second air conditioning monitoring and control device communicate with the air conditioner using a first communication protocol (Column 2 lines 52-63, it is implicit that to control a device that a communication protocol would be used).

Re Claim 5 & 8. The first and second air conditioning monitoring and control devices are connected to the air conditioner via the same communication line (ref N2, Column 3 lines 8-20).

Re Claim 21. The air conditioning monitoring and control system according to claim 5, wherein each of the first and second air conditioning monitoring and control devices is directly connected to the air conditioner via the same communication line (ref N2, Column 3 lines 8-20, Figure 1).

Re Claim 22. The air conditioning monitoring and control system according to claim 1, wherein: the second monitoring and control program is unique to the first air conditioning monitoring and control device, and the third monitoring and control program is unique to the second air conditioning monitoring and control device (Column 2 line 65 to Column 3 line 7 teach that unique programs are utilized for each control unit).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 3, 4, 11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen et al (US639331B1) in view of Yoon et al (US2004/0117069A1).

Re Claim 3. Jensen et al teaches a first monitoring panel (ref 32) connected to or built into the first air conditioning monitoring and control device to monitor the air conditioner (Column 3 lines 35-45); and a second monitoring panel (ref 33) connected to or built into the second air conditioning monitoring and control device to monitor the air conditioner (Column 3 lines 35-45),

Jensen et al fails to teach the second air conditioning monitoring and control device further including a communication protocol conversion unit capable of converting between the first communication protocol and a second communication protocol, the first monitoring panel being configured to communicate with the first air conditioning monitoring and control device using the first communication protocol, and the second monitoring panel being configured to communicate with the second air conditioning monitoring and control device using the second communication protocol.

Yoon et al teaches the second air conditioning monitoring and control device further including a communication protocol conversion unit capable of converting between the first communication protocol and a second communication protocol (ref 400, Paragraph 30), the first monitoring panel being configured to communicate with the first air conditioning monitoring and control device using the first communication protocol (Paragraph 28 teaches that the central controller uses the air conditioner protocol), and the second monitoring panel being configured to communicate with the second air conditioning monitoring and control device using the second communication protocol (Paragraph 28 teaches that the remote internet controller uses the internet protocol).

In view of Yoon et al's teachings it would have been obvious to one of ordinary skill in the art at the time of invention to include multiple protocols and a protocol conversion unit to Jensen et al's control system since it allows for multiple devices to be able to communicate with one another and increases the robustness of the system.

Re Claim 4. Jensen fails to specifically teach that the first communication protocol is a manufacturer-private protocol, and the second communication protocol is an open protocol.

Yoon et al teaches teach that the first communication protocol is a manufacturer-private protocol (Paragraph 28 teaches that the central controller uses the air conditioner protocol), and the second communication protocol is an open protocol (Paragraph 28 teaches that the remote internet controller uses the internet protocol. It can be appreciated that the internet protocol is an open type communication protocol since it is universal).

In view of Yoon et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of invention to include private and open protocol's to the control system of Jensen et al since it allows for multiple devices to be able to communicate with one another and increases the robustness of the system. It is also well known in the art to use private and open protocols in control structures with multiple devices.

Re Claim 11 and 14. Jensen et al teaches the first and second air conditioning monitoring and control devices are connected to the air conditioner via the same communication line (ref N2, Column 3 lines 8-20).

Response to Arguments

11. Applicant's arguments with respect to claims 1-5, 8, 11, 14, 21, and 22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRAVIS RUBY whose telephone number is (571)270-5760. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Jules or Cheryl Tyler can be reached on 571-272-6681 or 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Travis Ruby/
Examiner, Art Unit 3744

/Frantz F. Jules/
Supervisory Patent Examiner, Art Unit 3744